

### REMARKS

Claims 1-15, 17-42, 44-69, and 71-81 are pending, with claims 1, 28, and 55 being independent. Claims 16, 43, and 70 are cancelled by this amendment without waiver or prejudice.

Claims 1-15, 17-20, 22-42, 44-47, 49-69, 71-74, and 76-81 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Aharoni et al. (U.S. 6,014,694). Applicants respectfully traverse the rejection and have amended independent claims 1, 28, and 55 to include the features of cancelled claims 16, 43, and 70, respectively.

As amended, independent claim 1 recites a method of communicating content that includes, among other features, automatically determining an available bandwidth between a recipient and a provider, selecting among content of varying formats to be communicated between the recipient and the provider based on the available bandwidth determined, and communicating the selected content between the provider and the recipient. Applicants respectfully request reconsideration and withdrawal of the rejection because Aharoni fails to describe or suggest selecting among content of varying formats to be communicated between the recipient and the provider based on the available bandwidth. In one claimed implementation, for example, selecting among content of varying formats includes selecting between a still picture format and a video format depending upon the available bandwidth.

Instead, Aharoni describes compressing video into frames of multiple levels of compression and selecting one of the multiple levels of compression of each frame to communicate based on the estimated network channel bandwidth. Aharoni describes throughout a selection of a level of compression based on the estimated bandwidth. See Aharoni, col. 2, lines 57-62 (stating “each frame comprising a plurality of levels, each level corresponding to a particular degree of compression...selecting one of the plurality of levels of each frame to transmit over the network channel in accordance with the bandwidth estimate”); col. 3, lines 15-21 (stating “each frame comprising a plurality of levels, each level corresponding to a particular degree of compression...selecting one of the plurality of levels of each frame to send over the network channel in accordance with the bandwidth estimate”); col. 4, lines 41-48 (stating “each

frame comprising a plurality of levels, each level corresponding to a particular degree of compression...selecting one of the plurality of levels of each frame to send over the network channel in accordance with the bandwidth estimate”).

Aharoni does not describe or suggest selecting among content of varying formats to be communicated based on the available bandwidth, as recited in amended independent claim 1. Rather, Aharoni only describes selecting among a plurality of compression levels based on the bandwidth estimate.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of amended independent claim 1 and its respective dependent claims.

Similarly, each of independent claims 28 and 55 recites an arrangement in which content is selected from among content of varying formats based on the available determined bandwidth. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of amended independent claims 28 and 55 and their respective dependent claims for the reasons discussed above with respect to amended independent claim 1.

Claims 21, 48, and 75, which depend from amended independent claims 1, 28, and 55, respectively, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aharoni in view of Gupta et al. (U.S. 6,622,171). Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection because Gupta does not remedy the failure of Aharoni to describe or suggest selecting among content of varying formats to be communicated based on the available bandwidth, as recited in amended independent claims 1, 28, and 55.

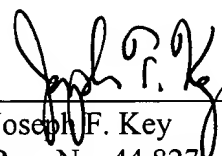
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Enclosed is a \$120 check for the Petition for Extension of Time fee. During the prosecution of this application, please apply any deficiencies or credits to deposit account 06-1050.

Respectfully submitted,

Date: 01/10/2005

  
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